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COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUC000003

**Ex Parte, In re: Investigation of the
appropriate level of intrastate access
service prices**

HEARING EXAMINER'S RULING

July 17, 2000

On July 14, 2000, AT&T Communications of Virginia, Inc. ("AT&T"), by counsel, filed a Motion to Compel Bell Atlantic-Virginia, Inc. ("BA-VA") to Respond to Interrogatories. AT&T seeks the average annual revenue per minute realized by BA-VA for intraLATA toll services and for switched access services for each year or part, 1995 through the present. BA-VA objected to the interrogatories because it asserted that the information sought is confidential, competitively sensitive, and not relevant.

AT&T argues that BA-VA should be compelled to respond. First, AT&T argues that BA-VA's objection was untimely, and therefore, BA-VA has waived any objection. Second, AT&T asserts that it executed a non-disclosure agreement and any confidential or competitively sensitive information should be produced in conformance with the protective order entered in this proceeding. Third, AT&T argues that the information sought is relevant to the level of access rates and to BA-VA's claim that it needs "revenue neutral" offsets to any access rate reductions.

I am of the opinion, and so find, that BA-VA should be afforded an opportunity to respond, and that AT&T should have an opportunity to reply to that response. Accordingly,

IT IS DIRECTED THAT:

- 1) On or before July 21, 2000, BA-VA should file its response to the Motion to Compel,
and
- 2) On or before July 25, 2000, AT&T should file its reply to BA-VA's response.

Deborah V. Ellenberg
Chief Hearing Examiner